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14  
15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**  
17 **SAN FRANCISCO DIVISION**  
18

19 OWEN DIAZ,

20 Plaintiff,

21 vs.

22 TESLA, INC. DBA TESLA MOTORS, INC.,

23 Defendant.  
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Case No. 3:17-cv-06748-WHO

**[PROPOSED] AMENDED JUDGMENT**

1 On September 27, 2021, this matter came on for jury trial before the Hon. William H. Orrick.  
2 After a six-day jury trial, on October 4, 2021, the jury rendered a unanimous verdict in favor of  
3 plaintiff Owen Diaz and against defendant Tesla, Inc. and awarded Mr. Diaz Six Million, Nine  
4 Hundred Thousand dollars (\$6,900,000) in compensatory damages and One Hundred Thirty Million  
5 dollars (\$130,000,000) in punitive damages, for a total amount of One Hundred Thirty-Six Million,  
6 Nine Hundred Thousand dollars (\$136,900,000) in damages. [Dkt. No. 301]. The Court entered  
7 judgment in accordance with the jury's verdict. [Dkt. No. 307].

8 On November 16, 2021, Defendant Tesla, Inc. moved for judgment as a matter of law,  
9 moved in the alternative for a new trial as to liability, and moved in the further alternative for  
10 remittitur or new trial as to damages. [Dkt. No. 317].

11 On April 12, 2022, the Court denied Tesla's motion for new trial as to damages conditioned  
12 on Mr. Diaz accepting a remittitur to One Million, Five Hundred Thousand dollars (\$1,500,000) in  
13 compensatory damages and Thirteen Million, Five Hundred Thousand dollars (\$13,500,000) in  
14 punitive damages, for a total amount of Fifteen Million dollars (\$15,000,000). [Dkt. No. 328].

15 On June 21, 2022, Mr. Diaz rejected the remittitur. [Dkt. No. 347].

16 On June 27, 2022, the Court accordingly granted Tesla a new trial on damages. [Dkt. No.  
17 348].

18 On March 27, 2023, this matter came on for jury trial on damages before the Hon. William  
19 H. Orrick. The action was tried for five days from March 27, 2023 to March 31, 2023. On April  
20 3, 2023, the jury rendered a unanimous verdict. [Dkt. No. 463].

21 The jury awarded Mr. Diaz past non-economic damages of One Hundred Thousand dollars  
22 (\$100,000), future non-economic damages of Seventy-Five Thousand dollars (\$75,000), and  
23 punitive damages of Three Million dollars (\$3,000,000), for a total amount of Three Million One  
24 Hundred Seventy-Five Thousand dollars (\$3,175,000).

25 The punitive damages award exceeds the maximum permitted by law. It is reduced to One  
26 Million Five Hundred Seventy-Five Thousand dollars (\$1,575,000). The amended total damages  
27 award is One Million Seven Hundred Fifty Thousand dollars (\$1,750,000).  
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1 Judgment is hereby entered in accordance with the jury's verdict of October 4, 2021 as to  
2 liability, and the jury's verdict of April 3, 2023 as to damages, as amended.

3 The Court retains jurisdiction to determine the additional amounts that Tesla shall be  
4 required to pay to Mr. Diaz as reasonable statutory attorneys' fees and costs.

5 Post-judgment interest at the rate provided by law shall accrue on the award of damages  
6 commencing from April 11, 2023, the date of entry of the original Judgment and shall accrue on  
7 the award of fees, expenses, and costs, commencing from the date such amounts are awarded.

8 **IT IS SO ORDERED.**

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10 Dated: \_\_\_\_\_

11 \_\_\_\_\_  
12 William H. Orrick  
13 United States District Judge  
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